

1 WO
2
3
4
5
6

7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA

9 United States of America,

10 v. Plaintiff,

11 Daniel Sosa Loya,

12 Defendant.

13 } CR-08-1450-PHX-MHM

14 } ORDER OF DETENTION

15 Defendant was released on his own recognizance on December 16, 2008.
16 Pretrial Services filed a Petition for Action on Conditions of Pretrial Release alleging
17 that defendant violated the terms of his release. Defendant was arrested and appears
18 before the Court with counsel.

19 Counsel for defendant advises the Court that defendant wishes to waive his right
20 to a hearing and admit allegations 3 and 5 of the petition. The Court addressed
21 defendant and advised defendant of his right to remain silent, to continued
22 representation by counsel, to provide evidence on his behalf, and the government's
23 obligation to prove that defendant violated at least one condition of release by clear and
24 convincing evidence. Defendant advised he understood these rights and confirmed that
25 he wanted to waive his right to a hearing and admit.

26 The Court addressed defendant regarding, allegations 3 and 5 in the petition and
27 he admitted the allegations. On motion of the government, the remaining allegations
28 are dismissed

The Court finds that defendant is guilty of violating his pretrial release conditions and there is a factual basis for the admission. Further, that the admission was entered into knowingly, intelligently, voluntarily, and without coercion or promises.

IT IS THEREFORE ORDERED that the defendant's release is revoked and he is detained pending further order of the Court.

However, IT IS FURTHER ORDERED that the defendant shall be interviewed for possible placement at an appropriate halfway house facility. Should the defendant be an acceptable candidate, defense counsel or Pretrial Services shall contact the chambers of Magistrate Judge Edward C. Voss to set a detention hearing. A determination as to whether or not the defendant is to be released will be made at the scheduled hearing. If counsel for the government does not object to the proposed release, the matter will be scheduled "bag and baggage."

DATED this 3rd day of February, 2009.


Edward C. Voss
United States Magistrate Judge